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ATTORNEY'S DOCKET NUMBER: 0342941-0043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell, Kevin A., *et al.*
Serial No.: 09/478,263
Filed: January 5, 2000
Title: Combinatorial Biology

Examiner: Jon D. Epperson
Art Unit: 1639

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

1. Notice of Appeal Under 37 C.F.R. § 41.31 (2 pages);
2. Credit Card Payment form in the amount of \$760.00 (1 page); and
3. Return Postcard

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Cameron M. Luitjens, Ph.D.
Reg. No.: 58,674

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(617) 248-4000 facsimile

Dated: November 17, 2006

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Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

11-17-06 Sandra Saccocia
Date Signature

Sandra Saccocia

Typed or Printed Name of person signing certificate



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November 17, 2006 Sandra Saccocia
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Sir:

NOTICE OF APPEAL TO BOARD UNDER 37 C.F.R. § 41.31

Applicant hereby appeals the rejection of pending claims 1-3 and 5-23 in the above-referenced application. These claims have been twice rejected as required by 37 C.F.R. § 41.31(a)(1). The current rejection of these claims in the above-referenced case was mailed May 17, 2006. Applicant claims small entity status and petitions for a three (3) month extension of time. A credit card payment form (Form PTO-2038) is enclosed in the amount of \$760.00, \$250.00 of which is to be applied towards the Appeal fee under 41 C.F.R. § 20(b)(1), and \$510.00 of which is to be applied towards the extension of time fee under 37 C.F.R. § 1.17(a)(3). With this three month extension of time, the deadline for filing a Notice of Appeal is today, November 17, 2006 and Applicant respectfully submits that this filing is timely.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,

11/21/2006 CCHAU1 00000022 09478263

01 FC:2401
02 FC:2253

250.00 OP
510.00 OP

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